

### **Remarks**

Claims 1-15 and 17-55 are pending in the present application. Claims 1-15 and 17-55 are currently rejected.

1.) **Rejection of Claims 1-15 and 17-55 for Obviousness:**

The Examiner has rejected Claims 1-15 and 17-55 under 35 U.S.C. §103 for obviousness over U.S. Patent No. 6,685,563 (Meekins) in view of what is known to one of ordinary skill in the art. Specifically, the Examiner states that Meekins discloses “a gaming device interface comprising interface means for detecting and receiving, analyzing and translating an [sic] signals (see col. 5, lines 53-67; col. 6, lines 1-12; and col. 9, lines 4-12); lottery entry means (see col. 11, lines 1-7; col. 13, lines 1-3, 13-16, and 28-35); outputting lottery outcomes (see col. 11, lines 44-51 and 64-67). The Examiner acknowledges that Meekins does not disclose detection means or outputting lottery entry commands upon the occurrence of an event. However, the Examiner states that “since Meekins et al discloses providing a lottery ticket when the computer detects a game event (see col. 13, lines 28-31 and lines 34-35”... it would have been obvious to “generate a lottery ticket dispensing command...”

a.) **Support for Priority Claim for Claims 1-14:**

The Examiner asserts that “lottery entry means” is not disclosed in any of the parent or grandparent applications. The Examiner concludes that the earliest filing date for claims 1-14 if the filing date of application 60/196,827 (04/13/2000).

In response, the Applicant points to the text of the grandparent ‘276 patent (filed 12/19/1997) which states:

“One other possible use of the present invention is as *a tie-in with state-run lotteries* in which the network capabilities of the present invention would be used to provide a wide-area "Powerball" type

jackpot payoff on one particular combination being achieved. The specific nature of this implementation will be made apparent in future documentation, but this and other such examples serve to illustrate the virtually limitless possibilities for use of the present invention. (*emphasis added*)” *Col. 16, Ln. 22-30.*

Applicant further notes that the “lottery entry means” language is in “means plus function” format that is allowed under 35 U.S.C. §112 ¶6 and interpreted under M.P.E.P. §2181. Based on this passage in the ‘276 patent, the “lottery entry means” language is supported by the description of providing a tie-in with state run lotteries and wide area lotteries such as Powerball. This passage predates the filing date of Meekins. Consequently, the rejection of Claims 1-14 is overcome for at least these reasons.

b.) Support for Priority Claim for Claims 15 and 17-49:

The Examiner asserts that “central lottery system” is not disclosed in any of the parent or grandparent applications.

In response, the Applicant again points to the text of the grandparent ‘276 patent (filed 12/19/1997) which states:

“One other possible use of the present invention is as *a tie-in with state-run lotteries* in which the network capabilities of the present invention would be used to provide *a wide-area "Powerball" type jackpot payoff* on one particular combination being achieved. The specific nature of this implementation will be made apparent in future documentation, but this and other such examples serve to illustrate the virtually limitless possibilities for use of the present invention. (*emphasis added*)” *Col. 16, Ln. 22-30.*

Based on this passage in the ‘276 patent, the “central lottery system” language is supported by the description of providing a tie-in with state run lotteries and wide area lotteries such as Powerball because these types of lotteries are centrally controlled. This

passage predates the filing date of Meekins. Consequently, the rejection of Claims 15 and 17-49 are overcome for at least these reasons.

c.) Support for Priority Claim for Claims 50 - 55:

The Examiner asserts that “lottery device that issues a verifiable entry into a lottery event” and “means for generating a verifiable entry to a lottery event” are not disclosed in any of the parent or grandparent applications. The Examiner concludes that the earliest filing date for claims 50-55 is the filing date of application 60/196,827 (04/13/2000).

In response, the Applicant again points to the text of the grandparent ‘276 patent (filed 12/19/1997) which states:

“One other possible use of the present invention is as *a tie-in with state-run lotteries* in which the network capabilities of the present invention would be used to provide *a wide-area "Powerball" type jackpot payoff* on one particular combination being achieved. The specific nature of this implementation will be made apparent in future documentation, but this and other such examples serve to illustrate the virtually limitless possibilities for use of the present invention. (*emphasis added*)” *Col. 16, Ln. 22-30.*

Based on this passage in the ‘276 patent, the “lottery device that issues a verifiable entry into a lottery event” and “means for generating a verifiable entry to a lottery event” language is supported by the description of providing a tie-in with state run lotteries and Powerball type jackpot payoffs. This passage predates the filing date of Meekins. Consequently, the rejection of Claims 50-55 are overcome for at least these reasons.

*d.) Meekins' Use of the Term "Lottery Ticket" Does Not Predate the Filing Date of the Grandparent '589 Patent:*

In the Office Action regarding the rejection of claims 1-15, 17, 25, 41, 42, 50-52, 54 and 55 the Examiner relies on Meekins' disclosure that provides a "lottery ticket" from Col. 13, Line 35 as a basis of the rejection. This citation is the text of Claim 2 of the Meekins reference.

However, the term "lottery ticket" was not part of the original filing of Meekins on 03/02/2000 if the file history of Meekins is examined closely. Instead, the term "lottery ticket" was entered as an amendment to the claims of Meekins 12/24/2002. Further, the term "lottery ticket" exists only in the claims of Meekins. "Lottery ticket" is neither used nor suggested anywhere else in Meekins' reference.

In contrast, the grandparent '589 patent (Application 09/834,537) was filed on 04/13/2001 and it fully supports the use of the term "lottery ticket". It is not disputed that the present application is entitled to priority from at least the '589 patent for support of the term "lottery ticket" since the specifications for both items contain largely the same language.

Since the '589 patent was filed approximately 20 months before Meekins' first use of the term "lottery ticket", Meekins' is not a valid prior art reference with respect to the use of the term "lottery ticket". Meekins is not a valid prior art reference as required under 35 U.S.C. § 103 and M.P.E.P § 2121 because Meekins did not exist in the form cited by the Examiner until 20 months after the undisputed priority of the '589 patent was established. Therefore, the rejection of these claims fails for at least these reasons.

2.) *Conclusion:*

In view of the preceding remarks, the rejections have been overcome. Therefore, Applicant respectfully requests the withdrawal of all outstanding rejections and an issuance of a Notice of Allowance for all pending claims. Please apply any additional fees or credits to Deposit Account #: 50-4293, Reference #: A9658-81022.

Respectfully Submitted,

/davidmixon/                   01/28/2009  
David E. Mixon                       Date  
Reg. No. 43,809

Bradley Arant Rose & White LLP  
200 Clinton Ave. West, Suite 900  
Huntsville, AL 35801-4900

Telephone: (256) 517-5100  
Facsimile: (256) 517-5200